

Message Text

CONFIDENTIAL

PAGE 01 STATE 218191

72

ORIGIN L-03

INFO OCT-01 ACDA-19 AEC-11 AF-10 ARA-16 CIAE-00 DODE-00

EA-11 EUR-25 PM-07 H-03 INR-10 IO-14 NASA-04 NEA-10

NSAE-00 NSC-10 OIC-04 SPC-03 PA-04 PRS-01 RSC-01

SCI-06 SS-20 USIA-15 SAJ-01 ISO-00 DPW-01 SCS-03

SCA-01 (ISO) R

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P 060022Z NOV 73

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C O N F I D E N T I A L STATE 218191

TEHRAN FOR RED CROSS DELEGATION - MR. ALDRICH

E.O. 11652: GDS

TAGS: TAGS, UK, UR, SW

SUBJECT: DISARMAMENT: DRAFT RESOLUTION ON SPECIFIC CONVENTIONAL WEAPONS

REF: (A) USUN 4297; (B) USUN 4334; (C) USUN 4426;
(D) USUN 4427

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 218191

1. USG NOT PREPARED TO SUPPORT REVISED DRAFT SWEDISH RESOLUTION (REF D) IN PRESENT FORM. WHILE IT IS SUBSTANTIALLY IMPROVED OVER VERSION REPORTED REFS (A) AND (B), IT STILL ENVISIONS MAJOR SUBSTANTIVE CONSIDERATION AT FEBRUARY DIPLOMATIC CONFERENCE ON HUMANITARIAN LAW OF ARMED CONFLICT OF PROPOSALS TO PROHIBIT USE OF NAPALM AND OTHER SPECIFIC WEAPONS. IT ALSO ATTEMPTS TO PREJUDGE SCOPE OF MEASURES WHICH MIGHT USEFULLY BE DEVELOPED WITH RESPECT TO THESE WEAPONS. THEREFORE, IF SWEDISH RES PUT TO VOTE IN PRESENT FORM, YOU SHOULD ABSTAIN.

2. MAXIMUM WE WOULD BE PREPARED TO ACCEPT AT THIS POINT WOULD BE UNGA INVITATION TO DIPLOMATIC CONFERENCE TO GIVE GENERAL CONSIDERATION TO, BUT NO UNDERTAKE SUBSTANTIVE NEGOTIATION ON, QUESTION OF SPECIFIC WEAPONS AND TO PROPOSE APPROPRIATE PROCEDURES -- E.G., A CONTINUING COMMISSION OR WORKING GROUPS, TO BE COMPOSED OF GOVERNMENT EXPERTS, POSSIBLY MEETING UNDER ICRC AUSPICES OR AT THE INVITATION OF ONE OR MORE GOVERNMENTS, WITH THE TASK OF

BEGINNING AND CARRYING FORWARD THE STUDY OF THE PROBLEMS INVOLVED AND THE DEVELOPMENT OF POSSIBLE MEASURES IN THIS AREA ON WHICH INTERNATIONAL AGREEMENT MIGHT BE REACHED. THIS WOULD BE CONSISTENT WITH OUR BASIC VIEW THAT COMPLEX ISSUES INVOLVED MUST BE ADDRESSED CAREFULLY AND WITH PARTICIPATION OF APPROPRIATE EXPERTS. (FYI. WE HAVE IN PAST SUGGESTED THAT ANY DISCUSSION OF PROPOSALS FOR PROHIBITION OF SPECIFIC WEAPONS SHOULD BE CONDUCTED IN CCD. HOWEVER, WE RECOGNIZE THAT MANY BELIEVE REAL POSSIBILITIES IN THIS AREA LIE IN DIRECTION OF SPECIFIC, RELATIVELY NARROW LEGAL RULES REGARDING SITUATIONS IN WHICH PARTICULAR WEAPONS MAY NOT BE USED, WHICH IS BASICALLY A QUESTION OF THE LAW OF ARMED CONFLICT RATHER THAN ARMS CONTROL. WE WANT TO LEAVE THIS ISSUE OPEN FOR THE TIME BEING, RECOGNIZING THAT DIPLOMATIC CONFERENCE OR GA COULD LATER CONCLUDE THAT CCD MIGHT BE APPROPRIATE FORUM FOR DEVELOPMENT OF MEASURES WITH RESPECT TO AT LEAST SOME OF WEAPONS TO BE CONSIDERED. END FYI.)

3. FOLLOWING CHANGES WOULD ACHIEVE OUR OBJECTIVES AND
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 218191

PERMIT US TO SUPPORT SWEDISH RES:

(A) IN PREAMBULAR PARA 3, INSERT AFTER WORD "NEED" THE WORDS "TO CONSIDER" IN PLACE OF "FOR".

(B) PREAMBULAR PARAGRAPH 4 SHOULD BE REDRAFTED TO READ AS FOLLOWS: "CONVINCED THAT THE WIDESPREAD USE OF MANY WEAPONS, AND THE EMERGENCE OF NEW METHODS OF WARFARE,

THAT MAY CAUSE UNNECESSARY SUFFERING OR HAVE INDISCRIMINATE EFFECTS CALL URGENTLY FOR CONSIDERATION BY GOVERNMENTS OF POSSIBLE LEGAL MEANS FOR THE PROHIBITION OR RESTRICTION OF THE USE OF SUCH WEAPONS AND OF INDISCRIMINATE METHODS OF WARFARE, AND OF POSSIBLE MEASURES OF DISARMEMENT DIRECTED TOWARD THE ELIMINATION OF SUCH WEAPONS."

(C) IN PREAMBULAR PARAGRAPH 6, INITIAL PHRASE SHOULD READ: "CONSIDERING, AS ONE SUCH BASIS, ...".

(D) PREAMBULAR PARA 7 SHOULD BE REVISED BY DELETING PHRASE "WHICH SHOULD BE THE ULTIMATE OBJECTIVE,".

(E) REVISE PREAMBULAR PARA 9 BY CHANGING WORD "APT" TO "CALCULATED" (LATTER IS TERM OF ART USED IN HAGUE REGULATION 23(E) OF 1907).

(F) REVISE PREAMBULAR PARA 10 BY INSERTING BEFORE "RULES" THE WORDS "GENERALLY ACCEPTABLE" AND DELETING PHRASE "NAPALM AND OTHER INCENDIARY WEAPONS AS WELL AS OTHER".

(G) REDRAFT OPERATIVE PARA 1 TO READ AS FOLLOWS:
"INVITES THE CONFERENCE ON THE REAFFIRMATION AND DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW APPLICABLE IN ARMED CONFLICTS TO CONSIDER -- WITHOUT PREJUDICE TO ITS EXAMINATION OF THE DRAFT RULES SUBMITTED TO IT BY THE INTERNATIONAL COMMITTEE OF THE RED CROSS -- (AND TO PROPOSE APPROPRIATE PROCEDURES FOR THE CONTINUING STUDY BY GOVERNMENT EXPERTS OF) THE QUESTION OF THE USE OF NAPALM AND OTHER INCENDIARY WEAPONS AS WELL AS OTHER SPECIFIC CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO CAUSE UNNECESSARY SUFFERING OR TO HAVE INDISCRIMINATE EFFECTS
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 STATE 218191

(AND TO PROPOSE APPROPRIATE PROCEDURES FOR THE CONTINUING STUDY OF THIS QUESTION BY GOVERNMENT EXPERTS) AND FOR THE DEVELOPMENT OF POSSIBLE MEASURES FOR THE PROHIBITION OR RESTRICTION OF THE USE OF SUCH WEAPONS ON WHICH INTERNATIONAL AGREEMENT MIGHT BE REACHED, SO THAT INFORMED DECISIONS CAN BE TAKEN ON THE ADOPTION OF RULES ON THIS MATTER." (FYI. WE WOULD PREFER FORMULATION INCLUDING FIRST BRACKETED PHRASE AND EXCLUDING SECOND, BUT COULD ACCEPT REVERSE IF NECESSARY TO ACHIEVE AGREEMENT. END FYI.)

4. AS DELEGATION WILL PERCEIVE, FOREGOING CHANGES ARE DESIGNED TO RENDER RES NON-PREJUDICIAL ON QUESTION AS TO WHICH WEAPONS, IF ANY, RESTRICTIONS OR PROHIBITIONS MIGHT USEFULLY BE CONSIDERED AND AS TO THE SCOPE OF ANY POSSIBLE MEASURES. IT IS ALSO INTENDED TO LEAVE OPEN OUR

OPTIONS AS TO PRECISE CHARACTER OF EXPERT STUDY -- I.E.,
WHETHER UNDER ICRC OR OTHER AUSPICES -- WHICH WE WOULD BE
PREPARED TO ACCEPT. IT SHOULD BE KEPT IN MIND THAT, IN
EXPRESSING WILLINGNESS FOR DIPLOMATIC CONFERENCE TO PRO-
POSE PROCEDURES FOR STUDY AND DEVELOPMENT OF MEASURES,
USG IS MAKING NO COMMITMENT EITHER TO ACCEPT MEASURES
CONCERNING ANY PARTICULAR WEAPON OR TO NEGOTIATE ON
BASIS OF ANY PROPOSALS WHICH MIGHT EMERGE FROM STUDY.

5. SUGGEST YOU APPROACH SWEDES AS SOON AS POSSIBLE TO
CONVEY FOREGOING CHANGES AND INDICATE OUR ABILITY TO
SUPPORT ON BASIS THOSE CHANGES. YOU SHOULD ALSO INFORM
USSR, UK, FRG AND CANADA, AS WELL AS OTHERS AT YOUR DIS-
CRETION, OF OUR VIEWS AND POSITION. RUSH

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 06 NOV 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: collinp0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE218191
Document Source: CORE
Document Unique ID: 00
Drafter: SCNELSON:JNP
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731152/aaaablwk.tel
Line Count: 183
Locator: TEXT ON-LINE
Office: ORIGIN L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: (A) USUN 4297; (B) USUN 4334; (C) US, UN 4426;
Review Action: RELEASED, APPROVED
Review Authority: collinp0
Review Comment: n/a
Review Content Flags:
Review Date: 09 OCT 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <09-Oct-2001 by shawdg>; APPROVED <06 MAR 2002 by collinp0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: DISARMAMENT: DRAFT RESOLUTION ON SPECIFIC CONVENTIONAL WEAPONS
TAGS: PARM, UK, UR, SW
To: USUN NEW YORK
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005